

August 5, 2004

Port of Ilwaco

## **NOTICE OF INTENT TO OBTAIN CUSTODY**

Vessel “Desire”

The Port of Ilwaco, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take custody of the vessel *Desire*, document number 516518, on September 4, 2004. The vessel has been declared derelict/abandoned as it meets the definition of a derelict/abandoned vessel as described in RCW 79.100(1). Once custody is obtained, the Port of Ilwaco is authorized to use or dispose of it in an appropriate and environmentally sound manner without further notice to the owner.

In order for the owner to retain custody of the vessel, the owner must obtain authorization to moor or anchor the vessel in its current location, move it to an anchorage area or moorage facility that has authorized the vessel, or to remove the vessel from the water.

If the owner wishes to redeem the vessel once the Port of Ilwaco has taken custody, the owner must commence a lawsuit to contest the Port of Ilwaco’s decision to take custody of the vessel, or the amount of reimbursement owed, in the superior court of the county in which the owner’s right to a hearing is waived and the owner will be liable for any costs owed to the Port of Ilwaco. The lawsuit must be commenced within twenty days of losing custody or the owner’s right to a hearing is waived and the owner will be liable for any costs owed to the Port of Ilwaco.

The costs the owner may be liable for include, but are not limited to, costs incurred exercising the authority granted in RCW 79.100.030, all administrative costs incurred by the authorized public entity during the procedure set forth in RCW 79.100.040, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by vessel.

For more information regarding this action, contact the Port of Ilwaco, Jamie Sowers, Harbormaster. PO Box 307, Ilwaco, WA 98624. (360) 642-3143. [Jsowers@portofilwaco.com](mailto:Jsowers@portofilwaco.com).